



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : HAV/00MR/LDC/2026/0036

Property : 218 New Road, Portsmouth, Hampshire, PO2
7RW

Applicant : Southern Land Securities Limited

Representative : Together Property Management

Respondents : Ms Sevelova – 218
Mr McGrath – 218a

Representative : None.

Type of Application : To dispense with the requirement to consult
lessees about major works pursuant to section
20ZA of the Landlord and Tenant Act 1985

Tribunal Members : Mr M E Williams FRICS
Mr A Hetherton MRICS IRRV (Hons)

Date of Decision : 16 July 2026

DECISION

The Decision

- 1. The Tribunal grants the application for dispensation under section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the render and flat roof repair.**

- 2. The dispensation is granted subject to the following condition:**

The Applicant shall place a copy of this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal’s decision on dispensation and their appeal rights.

- 3. This dispensation does not affect the Tribunal’s jurisdiction upon any future application from the leaseholders to make a determination under section 27A of the 1985 Act, in respect of the reasonableness and/or cost(s) associated with the qualifying works.**

Background and the Application

- 4. The Applicant seeks a determination pursuant to section 20ZA of the Landlord and Tenant Act 1985 (“the 1985 Act”) for dispensation from the statutory consultation requirements imposed on the landlord by section 20 of the 1985 Act in respect of the works detailed below.**

- 5. The application is dated 26 February 2026.**

- 6. The property is described as:**

‘The property was constructed circa 1925 and was originally a ground floor shop with living accommodation to the first floor, a Planning Application was made to Portsmouth City Council (Planning Application Reference: A*31488/B) in June 2005 to alter the property into two self-contained flats with the ground floor flat to be extended to the rear elevation, the application was granted and the conversion completed later that year.’

7. The Applicant provides a detailed description of the qualifying works, which states the following:

‘We were made aware of a leak into the ground floor flat and on investigating the source of the leak it was found that the render has failed and flat roof works were required to stop the water ingress. Unfortunately, the works were over the section 20 threshold and to minimise [sic] any internal damage into the flat it was decided to proceed with the works and to apply to the FTT to dispense from section 20.’

8. The Applicant states that they have not undertaken any consultation formally or otherwise.
9. The Applicant states the following as the reasons why it is seeking dispensation of all or any of the consultation requirements:

‘We would like to request a dispensation of Section 20 for the completed render and flat roof repairs.’

10. The Tribunal gave Directions (‘the Directions’) on the 18 May 2026 listing the steps to be taken by the parties in preparation for the determination of the application.
11. The Directions, at paragraph 11, stated the Tribunal would determine the application on the papers without a hearing in accordance with Rule 31 of the Tribunal Procedure Rules 2013 unless a party objected in writing to the Tribunal within 14 days of the receipt of these Directions.
12. **The only issue for the Tribunal is whether or not it is reasonable for the Applicant to have dispensed with the statutory consultation requirements. This application is neither about the costs of the works carried out to date, nor is it about the costs of the works and whether they are recoverable from the leaseholders as service charges, nor the possible application or effect of the Building Safety Act 2022. The leaseholders have the right to make a separate application to the Tribunal under section 27A of the 1985 Act to determine the reasonableness of the costs, and their respective contributions payable through the service charge provisions in their leases.**

The Law

13. Section 20 of the 1985 Act and the related Regulations provide that where the lessor undertakes qualifying works with a cost of more than £250 per lease per 12 month period, the relevant contribution of each lessee (jointly where more than one under any given lease) will be limited to that sum per annum unless the required consultation processes have been undertaken or the requirement has been dispensed with by the Tribunal. An application to the Tribunal may be made retrospectively.
14. The relevant section of the 1985 Act reads as follows:

S.20 ZA (1) Consultation requirements: supplementary

Where an application is made to [the appropriate tribunal] for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works or qualifying long term agreement, the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements.

15. In *Daejan Investments Limited v Benson and Others* [2013] UKSC 14, the Supreme Court set out certain principles relevant to section 20ZA. Lord Neuberger, having clarified that the purpose of sections 19 to 20ZA of the 1985 Act was to ensure that tenants are protected from paying for inappropriate works and paying more than would be appropriate, went on to state “*it seems to me that the issue on which the [tribunal] should focus when entertaining an application by a landlord under section 20ZA(1) must be the extent, if any, to which the tenants were prejudiced in either respect by the failure of the landlord to comply with the requirements*”.
16. Furthermore, and following *Daejan v Benson*, the Tribunal has power to grant dispensation on terms.

Consideration and Decision

17. The Tribunal first considered whether it felt able to decide this application reasonably and fairly based on the papers submitted only, with no oral hearing. Having read and considered the papers and given that the application remained unchallenged the Tribunal decided it could do so.
18. The Directions of 18 May 2026 state, at paragraph 15, ‘The application shall stand as the Applicant’s case’.
19. In its application, the Applicant states the case is appropriate to be dealt with without a hearing (a paper determination).
20. The Directions attached a reply form for the Respondents with a date for it to have been completed and to have been returned by to the Applicant to confirm whether the Respondents: (1) agreed with the application, or not; and (2) similarly agreed the Tribunal may decide the matter on the basis of written representations only (no hearing), or not.
21. The Directions include provisions in the event the Respondents oppose the application.
22. Thereafter the Directions give the date by which the Applicant is to confirm to the Tribunal that no objections have been received from the Respondents, if applicable, being 16 June 2026.

23. The Tribunal received no objections from either leaseholder and the Applicant, by email dated 11 June 2026, confirmed that they had received no objections.
24. The bundle includes a copy of the lease for Garden Flat 218 New Road Portsmouth PO2 7RW. The lease comments on 24 June 1985 and is for a term of 156 years.
25. Paragraph 1 (b) sets out the following:
- (b) There shall also be paid by way of further sums or additional rent such sum or sums to be assessed in manner referred to in this clause as shall be a just and fair proportion of the amount which the Landlord may from time to time expend and as may reasonably be required on account of anticipated expenditure
- (i) in performing the Landlord's obligations as to repair maintenance and insurance hereinafter contained'
26. Clause 4 details the Landlord's repairing obligations as:
4. SUBJECT to contributions by the Tenant as hereinbefore provided the Landlord HEREBY CONVENANTS with the Tenant as follows:
- (1) at all times during the said term to take reasonable care to keep in good and substantial repair and in clean and proper order and condition those parts and appurtenances of the Building which are not included in this demise or in any demise of any part of the Building'
27. Building is defined in part one as:
- '... Absolute Title of the freehold property know as 218 New Road Portsmouth Hampshire which s divided into Two Flats (herein after called " the Building"..."
28. The Tribunal was remarkably unimpressed with the Applicant's representative for a number of reasons. Firstly, they failed to comply with the Tribunal directions, at paragraph 15, which required them to send to the Tribunal a copy of quotes, estimates or invoices in relation to the works.
29. Secondly, the application was absolutely lacking in terms of detail. Given these works have taken place the Applicant could have quite easily detailed what happened along with a timeline and photographs of before and after.
30. Thirdly, they state in their application that no consultation was undertaken, giving them the benefit of the doubt perhaps they misunderstood this to mean formal consultation. However, if no informal consultation (such as a telephone call or an email) took place then the Tribunal is perplexed as to why not particularly given that there are only two leaseholders.

31. The reasons why dispensation from the consultation requirements of the 1985 Act is sought by the Applicant is that the total cost of the works exceeded the consultation threshold, but the Applicant has not gone through the formal consultation process as they felt the works were urgent due to them relating water ingress as a result of the failing render and flat roof. These works have subsequently been completed and this application made.
32. The Tribunal only find the following on the basis that the Respondents having had the opportunity to do so have not objected to the application, rather than on the basis of what was submitted by the applicant which as details can only be described as limited.
33. The Tribunal finds that the Respondents have not suffered any prejudice by the failure of the Applicant to follow the full consultation process.
34. Taking all the above into consideration and no objections to the application having been received from the respondents, coupled with none of the same having asserted that any prejudice would be caused to them, the Tribunal consequently finds that it is reasonable for the Applicant to have dispensed with the consultation requirements under the 1985 Act relating solely to the works described in paragraph 7 above.
35. Thus, the Tribunal grants the application from Southern Land Securities Limited dated 26 February 2026 for dispensation under section 20ZA of the 1985 Act from the statutory consultation requirements imposed on the landlord by the same.
36. The dispensation is granted subject to the following condition:
37. The Applicant shall place a copy of this decision on its website (if any) within 7 days of receipt and shall maintain it there for at least 3 months, with a sufficiently prominent link to it on its home page. It should also be posted in a prominent position in the communal areas. In this way, any leaseholder who has not returned the reply form may view the Tribunal's decision on dispensation and their appeal rights.

RIGHTS OF APPEAL

38. A person wishing to appeal this decision to the Upper Tribunal (Lands Chamber) must seek permission to do so by making a written application by email to rpsouthern@justice.gov.uk to the First-tier Tribunal at the Regional office which has been dealing with the case. All communications must clearly state the Case Number and the address(s) of the premises.
39. The application must arrive at the Tribunal within 28 days after the Tribunal sends to the person making the application written reasons for the decision.
40. If the person wishing to appeal does not comply with the 28 days' time limit, the person shall include with the application for permission to appeal a

request for an extension of time and the reason for not complying with the 28 days' time limit; the Tribunal will then decide whether to extend time or not to allow the application for permission to appeal to proceed.

41. The application for permission to appeal must identify the decision of the Tribunal to which it relates, state the grounds of appeal and state the result the party making the application is seeking.